

Appl. No. 10/666,114
Amtd. dated July 27, 2005
Reply to Office action of April 8, 2005

REMARKS

35 USC § 102 Rejection

Claims 1-17 were rejected as anticipated by Dupire et al. EP1201711 ("Dupire") because the reference shows both resins of the claims with overlapping ranges and, by definition, at least .039 g/cm³ higher density of the first over the second resin.

Applicants respectfully traverse the rejection because Dupire does not teach a "first polyethylene having a melt index of 0.1 to 3.0 g/10 min".

- (i) All of the first component resins of Dupire have "an HLMI less than 0.6 g/10 min". HLMI is high load melt index as given by Dupire at paragraph [0025], obtained by an ASTM method using 21.6 kg. See the current specification at paragraph [0064]. In that paragraph, the term "melt index" is defined to be the ASTM test using only 2.16 kg.
- (ii) All of the first resins of the claims are defined by melt index as indicated. The skilled artisan readily recognizes that the HLMI of a resin is about twenty times greater than the melt index. Dupire requires that the first resin have an HLMI less than 0.6 g/10 min. All of the resins of the claimed invention would have an HLMI of about 2 to 60 ("0.1 to 3.0 g/10 min" in claim 1), vastly different from those taught by Dupire.

The same distinction exists for the second polyethylene resin of the invention. The HLMI range for the second resin is taught by Dupire to be "1 to 100 g/10 min". The melt index claimed for the second resin, as defined in paragraph [0064] of the current invention (i.e., measured using the 2.16 kg load), are in the range of from 10 to 500 g/10 min. This is, therefore, equivalent to an HLMI of from 200-10,000 g/10 min which is, again, vastly different from those disclosed by Dupire.

The distinction of the resins of Dupire is not surprising because the reference is directed to a pipe extrusion application requiring such parameters for processibility and pipe performance. The current invention materials were developed for injection molding which requires higher overall melt index.

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Reconsideration and withdrawal of the 35 USC § 102 rejection is respectfully requested.

35 USC § 103(a) Rejection

The claims were rejected over Dupire in view of Furrer et al., US Patent No. 4,770,912 ("Furrer") for the Furrer teaching of three component resins. Since the primary reference does not teach or suggest the invention, Furrer or any three component resin reference does not instruct the skilled artisan how to achieve the invention suitable for injection molding. Reconsideration and withdrawal of the rejection are respectfully requested.

Applicants respectfully request reconsideration in view of the above remarks. Applicants believe that the application is in condition for allowance. Allowance of the present application is requested. A Petition for a One-Month Extension of Time and the appropriate fee authorization are included herewith.

The Commissioner is hereby authorized to charge any additional fees that are required or credit any overpayment to Deposit Account No. 05-1712. A duplicate copy of this page is attached hereto.

Respectfully submitted,

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Date

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